

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALFRED CLARK,

Plaintiff

v.

NEW CENTURY MORTGAGE
COMPANY, et al.,

Defendants

Case No.: 2:18-cv-02241-APG-BNW

**Order Granting Motion to Expunge Lis
Pendens**

[ECF No. 50]

The defendants move to expunge the notice of lis pendens that plaintiff Alfred Clark recorded against the subject property. No. 50. Clark did not file an opposition to the motion. Local Rule 7-2(d) provides that the “failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.” In addition, the defendants’ motion demonstrates good cause to expunge the lis pendens.

A notice of lis pendens is a notice of a pending lawsuit affecting real property recorded in the county in which the property is located. Nev. Rev. Stat. § 14.010. Because I dismissed this action on September 10, 2019 (ECF No. 31), no lawsuit remains pending to support the notice of lis pendens so it should be expunged. Nev. Rev. Stat. § 14.015. I therefore grant the motion and order the cancellation of the notice of lis pendens. Because Clark has refused requests to expunge the lis pendens so far, any of the defendants may record a copy of this order with the Clark County Recorder’s office. Nev. Rev. Stat. § 14.015(5). This cancellation has the same effect as an expungement of the original notice. *Id.*

Further, I grant the defendants’ request for an award of their attorneys’ fees incurred in connection with their motion to expunge the lis pendens. After I dismissed this case, Clark had

1 no basis to maintain his lis pendens and should have expunged it long ago. The defendants
2 should not have had to pursue this motion to get that relief. Fees are justified under Nevada
3 Revised Statutes § 18.010(2).

4 I THEREFORE ORDER that the defendants' motion to expunge lis pendens (**ECF No.**
5 **50) is GRANTED.** The notice of lis pendens recorded against the subject property on
6 November 21, 2018 as Instrument Number 20181121-0002201 is canceled.

7 I FURTHER ORDER that any defendant may record a copy of this order with the Clark
8 County Recorder's Office. This cancellation has the same effect as an expungement of the
9 original notice.

10 I FURTHER ORDER that the defendants' request for an award of their attorneys' fees is
11 granted. The defendants may file a brief detailing their fees incurred in connection with their
12 motion in compliance with Fed. R. Civ. P. 54(d)(2)(B), Local Rule 54-14, and *Brunzell v.*
13 *Golden Gate National Bank*, 455 P.2d 31, 33 (Nev. 1969). That brief must be filed by January
14 10, 2025 and served on Clark.

15 DATED this 20th day of December, 2024.

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19 ANDREW P. GORDON
20 CHIEF UNITED STATES DISTRICT JUDGE
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